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BROOKLYN OFFICE

March 14, 2006

BY FACSIMILE

Hon. John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201
Facsimile No. (718) 613-2456

Granted. Sentence adjourned to May 2, 2006 @ 11:00 am

s/John Gleeson

Re: **United States v. Jose Maldonaldo,**
Docket No. S4 05 Cr. 101

Dear Judge Gleeson:

The defendant Jose Maldonaldo, is scheduled for sentencing on March 17, 2006. The defendant was served with a substantive addendum to his P.S.R. earlier today via email.

Based upon my review of the P.S.R., an adjournment of Jose Maldonaldo's sentence is required.

I. True Identification of Defendant

As the court is aware, there has been a controversy over the true identity of the defendant. The addendum of the P.S.R. claims the existence of documentary evidence from I.C.E. that the defendant's true identity is John Jairo Montavo Florez.

The addendum of the P.S.R. also recommended a denial of his 3 level reduction for acceptance of responsibility, and recommended a 2 level enhancement for obstruction of justice, Guideline 3C1.1, thereby raising his total offense to 28, Criminal History I, with a guidelines range of 78 to 97.

Counsel needs an opportunity to review this addendum with the defendant and the consequences on this Guidelines range, which has been substantially increased.

As the Court is aware, I am engaged in a federal death penalty case before the Hon. J. Curtis Joyner, in the Eastern

District of Pennsylvania. We are about to commence the penalty phase of the case and therefore request an adjournment of the defendant's sentence until after those proceedings.

It is therefore requested that the court adjourn the defendant's sentence until the last week in April 2006 or the first week in May 2006.

A representative of my office has discussed this matter with A.U.S.A. Charles Kelly and he has indicated that the government has no objection to this application. On behalf of Mr. Maldonado I consent to the exclusion of time from speedy trial calculations.

Thank you.

Respectfully submitted,

Anthony L. Ricco, Esq.

ALR/es
cc: A.U.S.A. (By Facsimile & ECF filing)